

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:06cv377

**FAMILY DOLLAR STORES, INC.,)
FAMILY DOLLAR, INC., and FAMILY)
DOLLAR SERVICES, INC.,)**

Plaintiffs,)

vs.)

ORDER

**CHRISTIAN CASEY LLC d/b/a)
SEAN JOHN, SEAN JOHN)
CLOTHING, INC., A E SQUARE ONE,)
INC., ALLEN PENIAS, and)
BETTY PENIAS,)**

Defendants.)

THIS MATTER is before the Court *sua sponte*.

On March 20, 2008, the Court entered an Order [Doc. 54] directing the Plaintiffs Family Dollar Stores, Inc., Family Dollar, Inc., and Family Dollar Services, Inc. to show good cause within ten (10) days for their failure to effect service of the Summons and Complaint on the Defendants Allen Penias and Betty Penias within 120 days of the filing of the Complaint. The Plaintiffs were warned that should they fail to show good

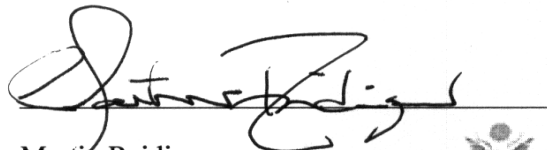
cause, their claims against these Defendants would be dismissed without prejudice. [Order, Doc. 54].

The Plaintiffs have not responded to the Court's Order and thus have failed to show good cause for their failure to effect service on Defendants Allen Penias and Betty Penias within 120 days of the filing of the Complaint. Accordingly,

IT IS, THEREFORE, ORDERED that the Plaintiffs' claims against the Defendants Allen Penias and Betty Penias are **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is hereby **DIRECTED** to close this case.

IT IS SO ORDERED.

Signed: April 8, 2008


Martin Reidinger
United States District Judge

